



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1998/SR.18
31 August 1998

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 26 March 1998, at 3 p.m.

Chairman: Mr. SELEBI (South Africa)

later: Mr. CHIRIBOGA (Ecuador)
(Vice-Chairperson)

later: Mr. SELEBI (South Africa)

CONTENTS

STATEMENT BY MR. FEDERICO MAYOR, DIRECTOR-GENERAL OF THE UNITED NATIONS
EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

STATEMENT BY MR. JONATHAN MOTZFELDT, PREMIER OF GREENLAND (DENMARK)

STATEMENT BY MR. ASDRUBAL AGUIAR, MINISTER OF THE SECRETARIAT OF THE
PRESIDENCY OF VENEZUELA AND PRESIDENT OF THE NATIONAL COMMISSION ON HUMAN
RIGHTS OF VENEZUELA

This record is subject to correction.

Corrections should be submitted in one of the working languages. They
should be set forth in a memorandum and also incorporated in a copy of the
record. They should be sent within one week of the date of this document to
the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission
at this session will be consolidated in a single corrigendum, to be issued
shortly after the end of the session.

CONTENTS (continued)

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

- (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;
- (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 5) (continued)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 6) (continued)

INDIGENOUS ISSUES (agenda item 23)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this statement to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

08.08.11351 (2)

The meeting was called to order at 3 p.m.

STATEMENT BY MR. FEDERICO MAYOR, DIRECTOR-GENERAL OF THE UNITED NATIONS
EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

1. Mr. MAYOR (Director-General of the United Nations Educational, Scientific and Cultural Organization) said that UNESCO had been the first international organization to proclaim the importance of the Universal Declaration of Human Rights for all its activities, and particularly for those concerned with education and information, as well as the promotion of international understanding. Education in human rights, which was addressed to children and adults alike, called for an extremely wide range of measures concerning school life, extramural programmes and activities and teacher training, but also educational and cultural action in the community. That educational action must also take account of the interdependence between human rights on the one hand and democracy, peace and development on the other. UNESCO had not been content to promote human rights, it had striven to propagate a shared culture of human rights.

2. Never before, in theory, had human beings had so many rights; yet in practice, never before had so many people been deprived of their most fundamental rights, foremost among them the right to life, by conflict and poverty. The issue was not just one of economic and social rights, but also one of civil and political rights, for all rights were interdependent, indivisible and universal. In that context development was crucial, although that did not mean waiting for development before implementing human rights. Wherever flagrant violations of those rights were shown to exist, as in Afghanistan, the United Nations must take strong and effective action. No religious or cultural tradition could justify those violations.

3. It was time to make a firm commitment to implementing the rights set forth in the Universal Declaration of Human Rights adopted 50 years previously. The World Conference on Higher Education, to be held in Paris in October 1998, must be seen in that context. In a rapidly changing world, UNESCO strove to be at the forefront of the human rights movement, as evidenced by its General Conference having in November 1997 adopted the Universal Declaration on the Human Genome and Human Rights, and the Declaration on the Responsibilities of the Present Generations Towards Future Generations.

4. The struggle for human rights, development and democracy was a struggle against injustice, poverty and conflict. Market forces and mercantile interest led not to democracy but to inadmissible disparities, resulting in exclusion, extremism and conflict. Investment in peace was needed in order to save succeeding generations from the scourge of war, as the Charter of the United Nations proclaimed. Recalling that the United Nations had declared the year 2000 International Year for the Culture of Peace, he called upon all partners within the United Nations system and outside it, at the governmental and non-governmental levels, to engage in joint, concerted and synergetic action to that end.

STATEMENT BY MR. JONATHAN MOTZFELDT, PREMIER OF GREENLAND (DENMARK)

5. Mr. MOTZFELDT (Denmark), speaking on behalf of the Nordic countries, said it was regrettable that many indigenous peoples, whose role in the areas of sustainable development, conservation and management of the environment and biodiversity had been recognized, were socially, economically and politically marginalized and had to struggle for their physical and cultural survival. Indigenous peoples had looked to the United Nations in their efforts to obtain international recognition of and respect for their rights. Against that background, the Nordic countries considered that, in accordance with the proposal made by the World Conference on Human Rights, it was time to establish a permanent forum for indigenous peoples, which would report to the Economic and Social Council. He therefore proposed that the Commission should establish an open-ended ad hoc group to draw up a mandate for such a forum. The ad hoc group might draw inspiration from the workings of the Arctic Council, a forum in which Saami, Inuit and indigenous peoples of the Russian Federation participated.

6. The Nordic countries called upon Governments to work towards the early adoption of the draft United Nations declaration on the rights of indigenous peoples in the framework of the International Decade of the World's Indigenous People. They recognized the valuable contribution made by the Working Group on Indigenous Populations to ensuring that those populations' concerns were taken into account by United Nations bodies, and they confirmed their support for the Working Group. They also welcomed the initiation in 1997 of the fellowship programme financed by the Voluntary Fund for the International Decade of the World's Indigenous People. In that connection, he informed the Commission that in 1998 Greenland would host the first seminar to be held by the International Training Centre of Indigenous Peoples and the General Assembly of the Inuit Circumpolar Conference.

7. Greenland saw access to self-government, in its own case vis-à-vis Denmark, as a continuous process. The next stage in that process would be the renegotiation of the Mineral Resources Act providing for the administration of those resources to be transferred to Greenland. In the light of that experience, Greenland urged Governments to allow indigenous peoples threatened by assimilation, or even extinction, to take charge of their own lives and preserve their heritage. On behalf of the Nordic countries and the Saami and Inuit peoples, he stressed the importance of the International Decade of the World's Indigenous People and the need to offer indigenous peoples financial and moral support enabling them to participate and be represented in international bodies.

STATEMENT BY MR. ASDRUBAL AGUIAR, MINISTER OF THE SECRETARIAT OF THE PRESIDENCY OF VENEZUELA AND PRESIDENT OF THE NATIONAL COMMISSION ON HUMAN RIGHTS OF VENEZUELA

8. Mr. AGUIAR (Venezuela) said that the session of the Commission on Human Rights, which that year coincided with the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, was taking place at a historic moment when humankind was faced with unprecedented challenges, but one which also augured well for constructive dialogue. The Commission's particularly full agenda bore witness to that. It included

questions of obvious topicality, such as the unjust international economic order, the increasing incidence of intolerance, the exploitation and prostitution of children, but also the right to development. The contemporary world, which had inherited the legacy of an epoch characterized by the arms race and the negation of inherent human freedoms, was now dominated by a number of dogmas and neo-fundamentalist trends - particularly in the area of trade - which tended to seize on the question of human rights and make it a divisive issue, whereas it should on the contrary be a factor in the regeneration of society.

9. The contemporary world found itself in a paradoxical situation. The experience of democracy was becoming more widespread, the State was less omnipresent, the insatiable quest for freedom was evident in every corner of the planet, and mass communications and access to information had developed to unprecedented levels. In those circumstances, an increase in individual responsibility and in citizen participation was to be expected. Yet contemporary humankind was more morally isolated than ever, and did not seem to have gained true freedom.

10. Venezuela mirrored faithfully the crucial period of transition that humanity was undergoing to a new millennium. The dwindling role of political parties and their representativeness, the unexpected failure of the financial system and a sudden drop in petroleum revenues had all led to a deterioration in Venezuelans' standard of living and a slackening in collective respect for human rights. The country was striving to overcome that situation through dialogue and unswerving adhesion to democracy. The programme it had adopted was one of economic liberalization with a human face, participating in globalization without overlooking the need for rigorous respect for the dignity of the individual. Concerted action between the State, workers and employers had enabled the social security system to be reformed and compensatory benefit programmes for the poorest to be maintained.

11. The many lessons learned from that national experience enabled Venezuelans to assert that the future offered no option other than a culture of peace: a peace embracing all human rights and responding to all human needs in a spirit of participation and mutual tolerance. In that connection, he paid tribute to the Director-General of UNESCO, who was at the origin of the Draft Declaration on the Human Right to Peace. As the Director-General had so rightly said, humankind must now achieve a transition from a period dominated by the idea that might was right, to a very different period in which reason would be the dominant principle. In that connection, the Government of Venezuela wished to express its strong support for the draft Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. Similarly, his Government hoped that the negotiations on preparation of the draft optional protocols to the Convention on the Rights of the Child would be successfully concluded. Lastly, as in previous years, Venezuela would present, on behalf of the Group of Friends of the Secretary-General, a draft resolution on the situation of human rights in Haiti, a country that was more than ever in need of international aid and solidarity.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

- (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;
- (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(agenda item 5) (continued) (E/CN.4/1998/10 and Add.1 and 2, E/CN.4/1998/21, E/CN.4/1998/22-E/CN.6/1998/11, E/CN.4/1998/23-27 and 110; E/CN.4/1998/NGO/3, 4 and 25; E/CN.4/Sub.2/1997/8; A/52/511)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 6) (continued) (E/CN.4/1998/28 and 29; E/CN.4/1998/NGO/64; A/52/473)

12. Mr. HITAM (Malaysia) said that the right to development should be at the forefront of the human rights agenda. His delegation therefore wholeheartedly supported the proposal to establish, in that area, a follow-up mechanism in the form of an open-ended working group, whose work would also be greatly facilitated by the appointment of an independent expert.

13. His delegation considered that, in integrating human rights issues into their programmes, United Nations agencies concerned with development must not lose sight of their main objectives. Thus, pursuant to its mandate, the United Nations Development Programme (UNDP) must assist developing countries in their efforts to achieve sustainable human development by building their capacity to design and carry out programmes and by giving priority to the eradication of poverty. The United Nations agencies could best further the cause of the right to development by concentrating on their mandates, rather than dissipating their energies in areas elsewhere, thereby aiming too high and achieving nothing. Furthermore, integration of human rights issues into their activities must not result in the imposition of conditionalities that might harm countries' legitimate development activities.

14. Currently, whole countries were denied the right to participate in matters that affected the lives of their citizens. Democracy could not survive, let alone flourish, when many low-income countries were among the least integrated into the world economy and when some of them had become even more marginalized over the past 10 years, experiencing both falling incomes and diminished participation in the world economy. The financial crisis in Asia had shown that even the best integrated countries were not sheltered from upheavals in the international economy. In Malaysia, a country that, thanks to strong economic growth, had managed to reduce poverty and to finance social programmes in the fields of education and health, families had seen their life

savings wiped out overnight. It was not the market, still less the speculators and the International Monetary Fund, that would speak up for those individuals' rights.

15. His delegation considered that the international community should not accept perpetual violations of the rights of millions of people. When extreme poverty prevailed, talk of human rights was meaningless. So long as the United Nations continued to be isolated from hard economic issues such as market access, terms of trade, financial flows and the debt problem, the right to development could never assume its proper place.

16. Mr. MOOSE (United States of America) said that the United States strongly believed that the right to development was the key to creating a world that was stable, secure and prosperous and that the highest responsibility of government was to promote conditions which would enable everyone to reach his or her full potential. Human rights and the right to development being convergent interests, the United States fully agreed with the High Commissioner that the role of human rights was to empower individuals and communities. The United States had a long history of bilateral assistance and international cooperation for development, especially for the benefit of less developed countries. Amongst other things, it had supported the quick implementation of the Heavily Indebted Poor Countries Initiative for countries which were carrying out encouraging economic reforms and it had recently launched a new initiative to encourage Africa's integration into the global trading system. That long history had taught many lessons. One of them was the great importance of fully integrating human rights into the development approach. It had also emerged that the countries which respected the rights of women and understood women's critical role in development were rewarded for their efforts twice over. While international assistance remained an important instrument for development, other factors also weighed heavily on the development process. It was no accident, for example, that the phenomenal economic growth in Latin America over the past decade had followed the wave of democratization and economic liberalization in the countries of that region. In addition to promoting individual enterprise and therefore the creation of wealth at the national level, the opening-up of political and economic systems encouraged foreign investment as well. In Latin America foreign investment had risen from \$5 billion to \$73 billion in just the past eight years. Two thirds of that amount was in the form of direct investment, which had created jobs and raised living standards in the countries of the region. The correlation between human rights and economic growth was also apparent in Africa, where the efforts of nations such as Ghana, Uganda and Botswana had helped Africa to achieve a growth rate of 4 per cent in 1997.

17. The United States fully endorsed the idea that the primary responsibility for the protection and promotion of human rights rested with Governments. The argument that underdevelopment was a valid excuse for limiting human rights was unacceptable, for repression was a cause and not a consequence of underdevelopment. Political repression in a closed economic system could never produce sustainable development. The role of the Commission was clear in that context. It needed to find practical ways to encourage an atmosphere in which people everywhere could realize their right to development. The various resolutions adopted on the subject could not

serve as a basis for a consensus approach since they did not reflect the views of many States, and it would therefore be useful for the Commission to try to find common ground on such an important issue.

18. The cause of human development was best served by practical solutions, and the United States reaffirmed its support for the rationalization of United Nations human rights activities undertaken by the Secretary-General and the High Commissioner for Human Rights. In conclusion, it firmly believed that true development did not come about by accident, by some decree, or by decades of discussion of the meaning of the right to development. It was the fruit of democracy, open markets, the rule of law and respect for human rights.

19. Mr. AL-ATTAR (Observer for Yemen) said that Yemen appreciated the Commission's efforts to promote the exercise of economic, social and cultural rights in order to enable the peoples of the developing countries to live decent lives. The enjoyment of human rights could not be guaranteed without sustainable development. Yemen was trying to achieve growth by opening up its economy and replanning the distribution of its national resources. Those economic, financial and administrative reforms were accompanied by a genuine policy of institutional democratization and popular participation. Unfortunately, the weakness of the national economy was impeding the attainment of those goals. At the international level Yemen, like other least developed countries, languished under the burden of external debt and did not participate adequately in trade. Under the combined effect of those factors the gap between Yemen and the industrial countries continued to widen. In addition, most of the resolutions adopted on the question of the right to development were not implemented. The exercise of human rights required the establishment of a new international economic order based on justice and equity.

20. Mr. ANTONIO (Observer for Haiti) said that, since the adoption of the Universal Declaration of Human Rights, the international community had concentrated its efforts on civil and political rights to the detriment of economic, social and cultural rights, as if human rights were divisible. The celebration of the fiftieth anniversary of the Declaration ought to be the occasion for self-examination in the light of the principles of universality and indivisibility which the Declaration set forth. The various means envisaged for promoting the effective enjoyment of economic, social and cultural rights included, as indicated in Commission resolution 1997/17, the appointment of a special rapporteur on those rights and the conclusion of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. The moves to create additional institutional machinery for the promotion and protection of human rights were no doubt praiseworthy but they would remain ineffective unless they were accompanied by an action programme. In that context the Haitian delegation believed that the problem of human rights should move on from the stage of expert discussion to become a universal concern. The international community must display in that regard a united, firm and constant political will.

21. The least developed countries, including Haiti, were encountering a number of difficulties, stemming in particular from the debt burden and structural adjustment policies, which impeded the effective enjoyment of

economic, social and cultural rights by the whole of the population. Those States faced a serious dilemma: on the one hand they had to adjust their economies in order to integrate themselves better into the world economy, and on the other hand they had to work for the realization of the economic, social and cultural rights of their peoples. Even if those two goals were not contradictory in the long term, in the short or even medium term they were rendered irreconcilable by the conditions attached to structural adjustment policies, such as the reduction or elimination of social expenditure. The international financial institutions persisted in advocating drastic reforms which might erode respect for human rights, as if those institutions did not belong to the United Nations system. Hence the need to strengthen cooperation still further within the system. Given that the economic adjustments were necessary, it must be accepted that growth was not to be achieved at the expense of well-being, for the economy must serve the people and not vice versa. Only an integrated programme for the promotion of human rights which brought together the main players, in accordance with the Vienna Programme of Action, could contribute to the effective realization of economic, social and cultural rights; otherwise, the Commission might find itself deploring for a long time yet the lack of respect for human rights.

22. Ms. FLOWERS (United Nations Children's Fund) briefly recapitulated the Fund's history and said that its mission - to ensure the survival, protection and development of children - coincided with development imperatives. The Convention on the Rights of the Child illustrated the essential principles of the Declaration on the Right to Development and reaffirmed that the fundamental human rights were indivisible and interrelated. The international community had a duty to render the implementation of the Convention universal in all countries, especially the poorest, so that all children could enjoy their rights without discrimination. Guided by those values, UNICEF was collaborating closely with the Committee on the Rights of the Child and supported the activities of Governments in application of the Convention. UNICEF believed that the Convention on the Rights of the Child should serve as a reference point, in particular for the purposes of cooperation under the recently established United Nations Development Assistance Framework. Promoting respect for the fundamental rights of children was the most effective means of helping States to achieve their national development priorities.

23. At the international level UNICEF's strategy was to give new meaning to cooperation, which was currently experiencing an identity crisis. Emergency assistance and humanitarian aid had long been a way to transfer resources to the poorest people. Those flows were currently being cut back, a trend that must be reversed. Globalization should not serve as a pretext for abandoning the most disadvantaged and destitute families to their fate. Quite the contrary, globalization was acceptable only if it reinforced international cooperation and reduced disparities.

24. Mr. MOORE (Food and Agriculture Organization of the United Nations) said that in its resolution 1997/8 the Commission had endorsed the request made to the High Commissioner for Human Rights in the World Food Summit Plan of Action that, in consultation with the relevant treaty bodies, the High Commissioner should define better the rights related to food set forth in article 11 of the International Covenant on Economic, Social and Cultural Rights and propose

ways to implement and realize those rights as a means of achieving the commitments and objectives of the World Food Summit. In May 1997 the Director-General of his organization and the High Commissioner for Human Rights had concluded a memorandum of understanding which had led to particularly fruitful cooperation in regard to the rights related to food. In that connection his organization welcomed the publication of the High Commissioner's report on the Consultation on the Right to Adequate Food (E/CN.4/1998/21).

25. His organization had focused primarily on practical ways of helping countries to improve their food security and implement the World Food Summit Plan of Action. With that end in view it had played a leading role in the development of Food Insecurity and Vulnerability Information Mapping Systems (FIVIMS). The systems in question should help countries to measure their progress with respect to food security. The organization had also continued to expand its special programme on food security in low-income food-deficit countries. He hoped that the Commission would continue to support the discussion of rights related to food and their implementation. To meet the ambitious target set by the World Food Summit, namely to reduce the number of undernourished people to half its present level by 2015, a united effort must be made by all the organizations of the United Nations system, NGOs and other elements of civil society. His own organization regarded its continuing cooperation with the High Commissioner for Human Rights as an essential element of that effort.

26. Mr. Chiriboga (Ecuador). Vice-Chairperson, took the Chair.

27. Mr. de SANTA CLARA GOMES (Observer for Portugal) said that Portugal attached great importance to the realization of economic, social and cultural rights and intended, together with a number of other sponsors, to table a draft resolution on the subject. In that connection the main concern of the Portuguese delegation was to be pragmatic and to reflect the general sentiment of participants and the preoccupations expressed by the Secretary-General and the High Commissioner for Human Rights. The resolution submitted to the present session would therefore be a streamlined one. The exercise of a specific right, namely access to free primary education, would be posited as a right of capital importance for the realization of economic, social and cultural rights. Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights clearly justified that choice.

28. Since all the other economic, social and cultural rights deserved increased attention from Governments and the international community, Portugal also fully supported the action taken by other delegations, such as the French initiative on the alleviation of extreme poverty and the Cuban initiative on the basic right to food. Moreover, consideration must be given to the question of the undeniable responsibilities in the promotion of human rights which should be borne by the new players, such as private companies and the major financial and commercial corporations; he referred the Commission to the statement made on that subject by the Foreign Minister of the Netherlands, Mr. van Mierlo. It was also of capital importance to work closely with international organizations such as the International Monetary Fund and the World Bank in order to expand their human rights activities. Finally, the role of civil society, in particular NGOs, in the field of economic, social

and cultural rights, must be enlarged and taken into account in the activities of United Nations human rights bodies. Portugal supported the suggestions made by the Committee on Economic, Social and Cultural Rights, in particular the adoption of a plan of action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights.

29. Mr. KHELIFI (Observer for Algeria) emphasized the persistent inequality in the treatment of the two categories of human rights, namely individual rights and collective rights, including the right to development. He added that the former ideological confrontation had been replaced by a new dichotomy based on the level of economic development. However, the Declaration on the Right to Development, like the Vienna Declaration and Programme of Action, clearly recognized the right to development as a universal and inalienable right forming an integral part of the fundamental rights of the human person. The right to development of the countries of the South was a decisive factor for balance, peace and stability in the world. In the age of globalization, there could be no real peace in the world and no certainty of prosperity in the North if the South did not succeed in overcoming the global factors of underdevelopment and offering new prospects to its population.

30. The theory that the recognition of civil and political rights would inevitably lead to economic prosperity had been confronted with the realities of the developing world. Thus, the efforts that were being made to establish democratic systems guaranteeing fundamental freedoms had encountered legitimate socio-economic grievances which, in some cases, could provoke political instability and pose a threat to democratic achievements. In fact, the present situation of the countries of the South, and particularly the least developed among them, remained characterized by social precariousness, poverty and the increasingly crippling burden of external debt.

31. In order to narrow the widening gap in the field of economic development, the international community should show solidarity and resolutely turn its back on egoistic statements concerning national preference. The destiny of mankind could only be common and interdependent. The problems of development should be viewed in the light of important questions such as structural adjustment, external debt, development funding, equitable participation by the countries of the South in international trade and their access to new technologies. The question of economic sanctions, which had recently been raised by the Committee on Economic, Social and Cultural Rights, merited special attention by United Nations bodies due to its grave consequences for the full enjoyment of economic, social and cultural rights and the realization of the right to development.

32. At the present time, there was a universal and imperative need for solidarity, a global cooperative approach and a more sustained commitment in favour of a world order that would guarantee balanced and shared development.

33. Mrs. SANCHEZ REYES (Observer for Nicaragua) said that human rights were based on the dignity of the human person, but extreme poverty was seriously prejudicing that dignity. In that connection, it should be remembered that civil and political rights could not be fully protected if economic, social and cultural rights remained unprotected, and vice versa, and that the right to development was a fundamental right.

34. Nicaragua was applying a sustained development strategy under which all those rights were protected, and the country had made notable progress in that field. Today, Nicaragua was a democracy in which freedom of expression reigned and civil society was participating fully in decision-making. In the previous year, the Government had established the Office of the Procurator for the Defence of Human Rights.

35. However, much remained to be done to overcome the obstacles impeding the full enjoyment of human rights in Nicaragua. The main obstacles were extreme poverty, unemployment, external debt and the housing shortage. Nicaragua hoped that the international community would help it to overcome those difficulties.

36. Nicaragua supported the proposals made by the Intergovernmental Group of Experts on the Right to Development in its report on its second session. Nicaragua also supported the initiatives of the Office of the High Commissioner concerning microcredit programmes; those programmes would help to combat unemployment and, consequently, extreme poverty and would assume particular importance for Nicaraguan women, who were frequently their families' breadwinners.

37. Mr. CASTRO GUERRERO (Observer for Colombia) felt that it was important to recall some figures: at present, more than 1.3 billion human beings were living in conditions of absolute poverty, 2 billion persons were illiterate, 840 million were suffering from hunger and, even in the industrialized countries, more than 100 million persons were living below the poverty line. The international community should promptly seek to rectify those injustices, which threatened peace, security, democracy and the stability of the international order.

38. In order to ensure the full exercise of the right to development, States should guarantee participation by the population in economic, social, cultural and political development. For its part, the international community should endeavour to ensure that the right of peoples to self-determination could be exercised unconditionally and with due regard for national sovereignty and for building a strong and fair economic environment.

39. The right to development formed part of the holistic concept of human rights. Consolidation of the rule of law and popular participation should go hand in hand with improvement of the standard of living and the eradication of poverty and illiteracy. Such developments were feasible only in a favourable economic environment. However, as had been confirmed in the Report on Human Development for 1997, due to the structure of the world market only the industrialized countries were enjoying the benefits of growth, the developing countries being left to one side.

40. Accordingly, in its capacity as Chairman of the Non-Aligned Movement, Colombia welcomed the adoption by the General Assembly of the Agenda for Development, which designated development as one of the priorities of the United Nations.

41. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that the international community had not really begun to rectify the imbalance between

civil and political rights on the one hand, and economic, social and cultural rights on the other, until 1976, when the International Covenant on Economic, Social and Cultural Rights had been adopted. That process of restoring equilibrium had continued in 1986 with the adoption, by the General Assembly of the United Nations, of the Declaration on the Right to Development, and in particular by the adoption in 1993 of the Vienna Declaration and Programme of Action, in which those two categories of rights were placed on an equal footing and declared to be indivisible. The World Conference on Human Rights had also reaffirmed that the right to development was a universal and inalienable right.

42. Nevertheless, some were still seeking to give the impression that economic, social and cultural rights were second-class rights. It should also be emphasized that, in terms of follow-up, there was a wide gap between economic, social and cultural rights and civil and political rights. Accordingly, the Iranian delegation fully supported the recommendation of the Intergovernmental Group of Experts on the Right to Development that a mechanism should be established to monitor the application of the Declaration. An open-ended working group of the Commission could be mandated to review the progress achieved in the promotion of the right to development, to assess the obstacles impeding the realization of that right and to recommend practical measures to overcome them.

43. For all States, the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights should provide an opportunity to forge a dynamic global partnership in order to ensure respect for the right to food, housing, health, education and employment, of which millions of persons throughout the world were still deprived, largely as a result of the existence of an unfavourable international economic environment.

44. Mrs. WOLF (International Federation Terre des Hommes) said that extreme poverty was a scourge that was far from predetermined and it could be obviated. For example, the Chiapas region in Mexico possessed considerable natural resources but they were in the hands of a local elite. The region was inhabited by an impoverished Indian population. Fourteen thousand persons had been obliged to abandon their homes due to the reign of terror brought about by paramilitary groups, particularly since the massacre at Acteal in December 1997 which had cost 45 lives, the vast majority being women and children. There was ample proof of the links between the paramilitary groups, the local authorities and the army. The persons who had thus been displaced were currently living in extreme poverty.

45. In Colombia, the activities of the paramilitary groups had a direct bearing on the mass exodus of the rural population towards the cities, where they lived in extreme poverty and where their children were deprived of their right to education, health and suitable housing and were exposed to sexual exploitation.

46. The paramilitary groups, which were linked to the economic decision makers, and particularly the large landowners, in the regions concerned, had neither been punished for their acts nor rendered harmless and, according to the People's Advocate, were acting as the illegal arm of the forces of law and order.

47. The International Federation Terre des Hommes called upon the Commission to make the recommendations needed to facilitate the return of the displaced persons to their homes in secure conditions.

48. Mrs. TOM (Caritas Internationalis) said that the World Conference on Human Rights had called upon the international community to make every effort to alleviate the external debt burden of the developing countries in order to supplement the efforts of the Governments of those countries to attain the full realization of the economic, social and cultural rights of their people (Vienna Declaration, I. 12). Caritas Internationalis was well aware of the effects of debt on the daily lives of the poor, with whom it was in daily contact at the grass-roots level. As had been asserted by Cardinal Etchegaray, debt servicing should not be effected at the cost of stifling a country's economy and no Government had the moral right to require its people to accept hardship that was incompatible with human dignity.

49. Attempts had been made to reduce the debt of the poorest countries, particularly through the Heavily Indebted Poor Country Initiative. However, in order to benefit from that initiative, countries had to agree to take structural adjustment measures which, although they could have a beneficial effect on the economy, could also help to worsen the living conditions of the population, particularly in regard to education, health, housing and employment.

50. Caritas Internationalis and International Cooperation for Development and Solidarity were therefore calling for the cancellation of the debt of the most impoverished countries by the year 2000. In April 1998, the two organizations would be publishing a booklet entitled Putting Life before Debt in which they would be making various recommendations for a just and lasting solution to the debt problem.

51. Mr. WAREHAM (International Association Against Torture) said that the right to development was one of the keys to the enjoyment of all other human rights. For a long time the European countries had exercised that right for their sole benefit, by ruthlessly pillaging the human and natural resources of the peoples whom they had colonized. Today, the developing countries were repeatedly being told that they could not exercise their right to development unless they adopted the rules of the free market. However those rules were double-edged, as the Asian "tigers" were currently finding out to their cost, since they would have to submit to the diktat of the International Monetary Fund, the World Bank and the World Trade Organization, a constraint which would further impoverish the population.

52. In the United States, the gap between rich and poor was constantly widening. The Black community was being denied the right to development by those very persons who had built their power and their wealth on the stolen labour of that community which, through its underdevelopment, literally constituted a "South in the North".

53. During his tour of Africa, President Clinton had half-heartedly acknowledged the damage caused to Africa by slavery. The International Association Against Torture believed that the United States had an obligation to make amends. However, the President of the United States had other things

in mind. He was in Africa to do business and hoped that the United States would be able to profit from the exploitation of Africa's vast and cheap natural and human resources.

54. With regard to Cuba, the United States, not content with perpetuating its embargo of that small island, was endeavouring, through the Helms-Burton Act, to interfere in the economic relations that sovereign nations wished to maintain with Cuba. That was yet another violation of the right to development which the Commission should unequivocally condemn.

55. The international community should apply resolution 52/136 in which the General Assembly noted that lasting progress towards the implementation of the right to development required effective development policies at the national level, as well as an equitable economic environment at the international level.

56. Mr. ROMAZZOTTI (International Movement ATD Fourth World) said that it was in 1989 that the Commission on Human Rights had acknowledged, for the first time, that extreme poverty constituted a violation of human dignity. In 1992, the General Assembly had proclaimed 17 October as the International Day for the Elimination of Poverty. That date had not been chosen by chance, for it was on 17 October 1987 that, at the proposal of Father Joseph Wresinski, a flagstone commemorating the victims of poverty had been inaugurated in the parvis des libertés et des droits de l'homme (Human Rights and Freedoms Square) in Paris. The General Assembly had also proclaimed the decade 1997-2006 as the United Nations Decade for the Elimination of Poverty.

57. The study on extreme poverty that had been undertaken by Mr. Leandro Despouy represented a source of intense hope for the poorest persons, who should not be disappointed; the study provided information that was indispensable for the formulation of an effective policy to combat poverty.

58. The World Summit at Copenhagen had called upon Governments to promote participation by the most disadvantaged and had also called for the establishment of associations of poor persons so that they could make their voices heard. Measures should therefore be taken to ensure that the poorest could participate, without fear, in national negotiations to combat poverty.

59. In that regard, the Commission on Human Rights might carry out a study on the conditions for participation by the poorest in national policies and international programmes to combat poverty, in collaboration with the Commission for Social Development, in consultation with extremely poor persons, families and sections of the population and with the support of NGOs. The International Movement ATD Fourth World fully supported the Indian delegation's proposal that a declaration on human rights and extreme poverty should be drafted, on the understanding that extremely poor persons and the NGOs working with them in the field should participate in that project.

60. Mrs. GHENNET GIRMA (African Association of Education for Development) said that on the previous day, the Chairman of the Meeting of Persons chairing Human Rights Treaty Bodies had spoken very pertinently of the indivisibility

of economic, social and cultural rights when referring to the indivisibility of human rights. In the era of globalization and liberalism, powerful countries and transnational corporations certainly had every interest in keeping quiet about those rights.

61. In order to reverse that trend, States which had ratified human rights instruments had to be called to account and associations and trade unions had to be fully associated in the protection of those rights. That meant that States had to respect fundamental rights such as freedom of expression and the right to set up trade unions.

62. As the Intergovernmental Group of Experts on the Right to Development had so rightly stated in its report on its second session (E/CN.4/1998/29, para. 83), States should adopt the principle of recognizing and enlarging the role of civil society organizations in the economic, social and political life of their countries. In particular, civil society groups representing vulnerable groups or the public interest should have an opportunity to play an active role and to defend their interests in arenas of local and national decision-making. States should also establish, at the national level, consultative bodies on the right to development, which could complement the existing ones, when appropriate, and include representatives of civil society, to provide proposals on the monitoring and implementation of the right to development in their countries.

63. In conclusion, the African Association of Education for Development regretted that in his statement Mr. Richardson, the Ambassador of the United States, had criticized the human rights record of a number of countries, especially China, although he had spared other countries where the human rights situation was even more dramatic.

64. Mr. SHARMA (Afro-Asian Peoples Solidarity Organization) commented that development was no longer a purely socio-economic issue, but was increasingly taking on political overtones. That was inevitable when discrimination based on religion or sex was embodied in the Constitution and institutions of some countries. That was the situation in Pakistan, for example, where Hindus, Christians, members of minority sects like the Ahmediyas and women were relegated to the lower rungs of the social ladder. That was also the case in Afghanistan, where the Taliban were imposing their laws on men and women and not allowing the latter access to education. Similarly, in Jammu and Kashmir, armed groups were depriving other members of society of any freedom of choice or expression.

65. The Afro-Asian Peoples Solidarity Organization hoped that the international community would vigorously denounce groups and countries, no matter how powerful they were, which backed those forces of oppression on the pretext that they were protecting their interests.

66. Mr. LADOR (Earth Justice Legal Defense Fund) pointed out that the Commission had decided not to include a separate item concerning human rights and the environment in the agenda of the current session, although significant events had taken place in the world in that respect; for example, the Economic Commission for Europe had drawn up a draft international convention which took account of the environmental dimension of civil and political rights. That

convention was due to be opened for signature in June of the current year. Furthermore, in its report on the human rights situation in Ecuador, the Inter-American Commission on Human Rights had helped to provide a realistic picture of fundamental environmental rights. On the basis of on-the-spot observations and expert testimony, the Inter-American Commission concluded that the deterioration in the environment caused by prospecting for oil in areas inhabited by indigenous peoples was likely to entail infringements of their fundamental rights, including the right to safety and physical and moral inviolability. In that connection, the Inter-American Commission stressed the importance of informing the general public and of its participation in decision-making. It also underlined the Government's responsibility to protect human rights, even though the oil industry was being run not by the Government, but by commercial entities.

67. As far as normative action was concerned, the International Union for Conservation of Nature and Natural Resources (IUCN) was endeavouring to draw up a draft covenant on environmental conservation and sustainable use of natural resources and an Earth Charter. The plan to appoint an international mediator for human rights and the environment was likewise attracting continued attention.

68. In a related sphere, the Fund had welcomed the report of the Special Rapporteur on toxic wastes and hoped that she would be able to continue her work.

69. The Fund considered it vitally important that all bodies responsible for defending human rights should give serious consideration to the issue of human rights and the environment within the framework of their respective mandates. The final report of the Sub-Commission's Special Rapporteur on human rights and the environment contained some useful conclusions and recommendations on that subject.

70. Mr. SINCLAIR-NGATI POROU (Movement against Racism and for Friendship between Peoples), speaking on behalf of the Maori community of Aotearoa in New Zealand, said that at a time of efforts to reach a consensus on the notion of the right to development, it was essential first to specify all the things that development should not be. Development was unthinkable if it took place regardless of ecosystems' ability to regenerate, if its beneficial and harmful effects were not equitably distributed and if it did not meet the essential needs of the human being. Nor should development be monopolistic and anti-democratic.

71. Prospecting for and the consumption of the Earth's resources could not continue at the current pace. It was apparent, even in a country as environmentally privileged as New Zealand, that it was vital to re-examine the notion of development completely if a worldwide disaster was to be avoided. In New Zealand, fish stocks were being severely depleted and deforestation had taken on vast proportions. Direct foreign investment, which had reached a record level, far from creating wealth, had immediately been reflected in reorganization and the privatization of public assets. The living standards of New Zealanders had fallen abruptly, the country's foreign debt had risen and profits from assets which had once belonged to the country were being transferred abroad. In fact, profits had been privatized and social debt

nationalized. The ideology of a minimalist State and individual responsibility which the country had embraced was hollow and totally unequal to the task of community development.

72. The Maori community was encouraged by the fact that the European Parliament had voted against the Multilateral Agreement on Investment. In New Zealand the Maoris, who had demanded that the Government should hold a public debate on the Agreement and its implications, especially for the country's sovereignty, had likewise rejected it because it gave absolute power to transnational companies; they were answerable to no one and the most powerful of them had their headquarters in rich countries.

73. In conclusion, his organization supported India's recommendation that an expert be appointed to examine the question of development, and especially the impact of commercial agreements on human rights and national sovereignty.

74. Mr. Selebi (South Africa) took the Chair.

75. Mrs. SHORT, followed by Mrs. SINHA (Socialist International), said that at present the world tended to stress economic growth at all costs, even that of unemployment. A former British Prime Minister had said that "it was a price worth paying". While it was true that growth had enabled many people to advance, it had to be remembered that progress had been patchy and more than a third of the world's population did not have a dignified standard of living. Millions of women and children were bereft of any form of assistance. Women made up almost two thirds of the illiterate population in developing countries. The South had an infant mortality rate approaching 10 per cent.

76. Socialist International did not accept the idea that human rights were a luxury that only rich countries could afford. The organization considered that civil and political rights and economic, social and cultural rights were two sides of the same coin. It was not a question of choosing between them. All human rights required protection and that was why Governments had to accept that the international community should scrutinize the way in which human rights were respected. In that connection, Socialist International wished to make it clear that the industrialized countries of the North did not have a monopoly in that field. After all, it was the barbarous acts committed in Europe that had induced the world community to proclaim the Universal Declaration of Human Rights. The Human Rights Committee of Socialist International was currently giving priority attention to the issues of racism and xenophobia and to the denial of migrant workers' rights in Europe and other parts of the world.

77. Mrs. OLSTHOORN (Minority Rights Group International) said that in its report (E/CN.4/1998/29) the Intergovernmental Group of Experts on the Right to Development had invited States to adopt economic and social measures to prevent groups marginalized by their extreme poverty from being deprived of the right to development. In that context indigenous communities and minorities were the poorest of the poor. If conflicts were to be avoided in the future, it was essential to strive towards the realization of the right to development without disregarding minorities' rights. As stipulated in article 4 (5) of the Declaration on Minorities adopted by the United Nations in 1992, persons belonging to minorities had to participate fully in the

economic progress and development in their country. Minority Rights Group International had recently convened a conference on that theme. Her organization therefore recommended that the Commission on Human Rights should establish a mechanism to monitor the application of the Declaration on the Right to Development which took due account of the situation of minorities.

78. The CHAIRMAN declared the debate on agenda items 5 and 6 closed.

INDIGENOUS ISSUES

79. Mr. URRUTIA (Chairman-Rapporteur) presented the report of the third session of the working group established in accordance with Commission on Human Rights resolution 1995/32 for the purpose of elaborating a draft declaration on the rights of indigenous peoples (E/CN.4/1998/106). He first wished to make it clear that he and the working group used the terms "peuples autochtones" (indigenous peoples) and "populations autochtones" (indigenous peoples) indistinguishably, and without prejudice to the positions adopted on that matter by delegations.

80. Whenever possible, the working group had held unofficial meetings to permit as free a discussion as possible among all participants. Official meetings had been reserved for general statements and the adoption of decisions on articles on which there had been consensus. The participation in the debates of more than 123 indigenous and non-governmental organizations, alongside government delegations, was a ground for satisfaction.

81. Specifically, article 43 of the draft declaration, which concerned equality of the sexes and article 5 dealing with nationality, had been adopted at first reading. The amendments proposed to other articles were set out in annex 1 to the report; they would be examined at the working group's next session. Moreover, there had been a wide-ranging exchange of views about the notion of self-determination set forth in article 3 of the draft declaration. The debate had made it possible to clarify positions, so that it would be easier to reconcile different points of view.

82. The Chairman-Rapporteur believed that the working group's mandate should be renewed so that it could continue its activity. In addition, he asked all participants to show flexibility and mutual understanding. Improving the text was not synonymous with limiting the scope of the legitimate rights of indigenous populations.

Statements made in exercise of the right of reply

83. Mr. SIMAS MAGALHAES (Brazil) explained that he had requested the floor so as to invite dialogue rather than exercise a right of reply. At the previous day's meeting, the non-governmental organization called the International Indian Treaty Council had accused Brazil of negligence and laxity over the fires which were ravaging the north of the country. The Brazilian Government was fully aware of Amazonia's biological diversity and it was wrong to say that it had done nothing to deal with those tragedies. Brazil had requested the collaboration of its Argentine and Venezuelan partners. Nor was it true that Brazil had refused to cooperate with the

Department of Humanitarian Affairs of the United Nations. Some 1,200 to 1,300 persons were at present deployed in the Amazonian forest. The Government had already devoted 4 million dollars to the activities in question. All foreign assistance would be welcome.

84. **Mrs. DIOGO** (Portugal) said that on the previous day the representative of Indonesia had declared that the inhabitants of East Timor had already stated their readiness to accept Indonesian sovereignty. The Portuguese delegation could not accept that assertion, which was also contradicted by the fact that the Indonesian Government had not given the inhabitants of those territories an opportunity to express an opinion about their future. The General Assembly and the Security Council had clearly indicated in several resolutions that the right to self-determination had not been exercised. Mr. Jaime Gama, as representative of the administering Power recognized by the United Nations, had therefore addressed the Commission in order to call attention to the serious violations of human rights in East Timor.

85. **Mr. HENDRASMORO** (Indonesia) said that he did not intend to reply to the allegations of the Portuguese delegation by repeating himself.

The meeting rose at 6.10 p.m.